

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| ANNE MARIE QUINN; STEVEN QUINN, | ) | Civil No. 08cv0363 W(RBB)      |
|                                 | ) |                                |
| Plaintiffs,                     | ) | CASE MANAGEMENT CONFERENCE     |
|                                 | ) | ORDER REGULATING DISCOVERY AND |
| v.                              | ) | OTHER PRETRIAL PROCEEDINGS     |
|                                 | ) |                                |
| ASSET MANAGEMENT COMPANY, a     | ) | (Rule 16, Fed.R.Civ.P.)        |
| corporation; PETER FINE, an     | ) | (Local Rule 16.1)              |
| individual,                     | ) |                                |
|                                 | ) |                                |
| Defendants.                     | ) |                                |
| _____                           | ) |                                |

Pursuant to rule 16 of the Federal Rules of Civil Procedure, a case management conference was held on April 28, 2008. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. All discovery shall be completed by all parties on or before January 26, 2009. All motions for discovery shall be filed no later than thirty (30) days following the date upon which the event giving rise to the discovery dispute occurred. For oral discovery, the event giving rise to the discovery dispute is the completion of the transcript of the affected portion of the

1 deposition. For written discovery, the event giving rise to the  
2 discovery dispute is the service of the response. All  
3 interrogatories and document production requests must be served by  
4 November 24, 2008.

5 2. Plaintiff(s) shall serve on all other parties a list of  
6 expert witnesses whom Plaintiff(s) expect(s) to call at trial by  
7 November 24, 2008. Defendant(s) shall serve on Plaintiff(s) a list  
8 of expert witnesses Defendant(s) expect(s) to call at trial by  
9 December 22, 2008. Each party may supplement its designation in  
10 response to the other party's designation no later than January 5,  
11 2009. The parties must identify any person who may be used to  
12 present evidence pursuant to Rules 702, 703 or 705 of the Federal  
13 Rules of Evidence. This requirement is not limited to retained  
14 experts. The designation(s) shall comply with rule 26(a)(2) of the  
15 Federal Rules of Civil Procedure and be accompanied by a written  
16 report prepared and signed by each witness, including in-house or  
17 other witnesses providing expert testimony. The failure to fully  
18 comply with these requirements may result in the exclusion of  
19 expert testimony.

20 3. Any motion to join other parties, to amend the pleadings  
21 or to file additional pleadings shall be filed and heard on or  
22 before October 27, 2008.

23 4. All other pretrial motions must be filed on or before  
24 February 23, 2009. Please be advised that counsel for the moving  
25 party must obtain a motion hearing date from the law clerk of the  
26 judge who will hear the motion. **Be further advised that the period**  
27 **of time between the date you request a motion date and the hearing**  
28 **date may vary from one district judge to another. Please plan**

1 **accordingly.** For example, you should contact the judge's law clerk  
2 in advance of the motion cutoff to calendar the motion. Failure to  
3 timely request a motion date may result in the motion not being  
4 heard.

5 Questions regarding this case should be directed to the  
6 judge's law clerk. The Court draws the parties' attention to Local  
7 Rule 7.1(e)(4) which requires that the parties allot additional  
8 time for service of motion papers by mail. Papers not complying  
9 with this rule shall not be accepted for filing.

10 Briefs or memoranda in support of or in opposition to any  
11 pending motion shall not exceed twenty-five (25) pages in length  
12 without leave of the judge who will hear the motion. No reply  
13 memorandum shall exceed ten (10) pages without leave of the judge  
14 who will hear the motion.

15 Pursuant to Civil Local Rule 7.1(f)(3)(c), if an opposing  
16 party fails to file opposition papers in the time and manner  
17 required by Civil Local 7.1(e)(2), that failure may constitute a  
18 consent to the granting of a motion or other request for ruling by  
19 the court. Accordingly, all parties are ordered to abide by the  
20 terms of Local Rule 7.1(e)(2) or otherwise face the prospect of any  
21 pretrial motion being granted as an unopposed motion pursuant to  
22 Civil Local Rule 7.1(f)(3)(c).

23 Should either party choose to file or oppose a motion for  
24 summary judgment or partial summary judgment, no Separate Statement  
25 of Disputed or Undisputed Facts is required.

26 5. Further settlement conferences shall be held at  
27 appropriate intervals during the course of the litigation in the  
28 chambers of Judge Ruben B. Brooks. A further settlement conference

1 and order to show cause hearing shall be held on August 8, 2008, at  
2 1:30 p.m. A mandatory settlement conference date will be set at  
3 one of the scheduled settlement conferences.

4 All parties, claims adjusters for insured Defendants and non-  
5 lawyer representatives with complete authority to enter into a  
6 binding settlement, as well as the principal attorneys responsible  
7 for the litigation, must be present and legally and factually  
8 prepared to discuss and resolve the case at the mandatory  
9 settlement conference and at all settlement conferences. Retained  
10 outside corporate counsel shall not appear on behalf of a  
11 corporation as the party representative who has the authority to  
12 negotiate and enter into a settlement. Failure to attend or obtain  
13 proper excuse will be considered grounds for sanctions.

14 If Plaintiff is incarcerated in a penal institution or other  
15 facility, the Plaintiff's presence is not required at conferences  
16 before Judge Brooks, and the Plaintiff may participate by  
17 telephone. In that case, defense counsel is to coordinate the  
18 Plaintiff's appearance by telephone.

19 **Confidential written settlement statements for the mandatory**  
20 **settlement conference shall be lodged directly in the chambers of**  
21 **Judge Brooks no later than (five court days before the mandatory**  
22 **settlement conference).** The statements need not be filed with the  
23 Clerk of the Court or served on opposing counsel. The statements  
24 will not become part of the court file and will be returned at the  
25 end of the conference upon request. Written statements may be  
26 lodged with Judge Brooks either by mail or in person.

27 Any statement submitted should avoid arguing the case.  
28 Instead, the statement should include a neutral factual statement

1 of the case, identify controlling legal issues, and concisely set  
2 out issues of liability and damages, including any settlement  
3 demands and offers to date and address special and general damages  
4 where applicable.

5 If appropriate, the Court will consider the use of other  
6 alternative dispute resolution techniques.

7 6. Despite the requirements of Civil Local Rule 16.1(f),  
8 neither party is required to file Memoranda of Contentions of Fact  
9 and Law at any time. The parties shall instead focus their efforts  
10 on complying with their pretrial disclosure requirements under rule  
11 26(a)(3) of the Federal Rules of Civil Procedure by June 8, 2009,  
12 and drafting and submitting a proposed pretrial order by the time  
13 and date specified by Local Rule 16.1(f)(6).

14 7. Counsel shall confer and take the action required by  
15 Local Rule 16.1(f)(4) on or before June 12, 2009. A personal  
16 meeting between an incarcerated Plaintiff, acting in pro per, and  
17 defense counsel is not required.

18 At this meeting, counsel shall discuss and attempt to enter  
19 into stipulations and agreements resulting in simplification of the  
20 triable issues. Counsel shall exchange copies and/or display all  
21 exhibits other than those to be used for impeachment, lists of  
22 witnesses and their addresses including experts who will be called  
23 to testify and written contentions of applicable facts and law.  
24 The exhibits shall be prepared in accordance with Local Rule  
25 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the  
26 proposed final pretrial conference order.

27 8. The proposed final pretrial conference order, including  
28 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial

1 disclosures, shall be prepared, served and lodged with the Clerk of  
2 the Court on or before June 17, 2009, and shall be in the form  
3 prescribed in and in compliance with Local Rule 16.1(f)(6).  
4 Counsel shall also bring a court copy of the pretrial order to the  
5 pretrial conference.

6 In addition to submitting the proposed final pretrial  
7 conference order, the parties are further ordered to separately  
8 submit informal letter briefs, not exceeding two single-spaced  
9 pages, served on opposing counsel and received in the chambers of  
10 the Honorable Thomas J. Whelan, United States District Court Judge  
11 (and not filed with the Clerk's Office) no later than (**five days**  
12 **prior to Pretrial Conference**).

13 The letter brief should be a relatively informal and  
14 straightforward document. The letter brief should outline a short,  
15 concise and objective factual summary of the party's case in chief,  
16 the number of hours/days each party intends to expend at trial, the  
17 approximate number of witnesses, whether certain witnesses will be  
18 coming in from out of town, the number of testifying expert  
19 witnesses, whether any unique demonstrative exhibits may be  
20 presented, the number of proposed motions in limine that may be  
21 filed, precisely when the parties would be prepared to submit their  
22 in limine papers (and whether the parties have met and conferred  
23 with respect to in limine issues), the issue of proposed jury  
24 instructions and when the parties intend to submit them before  
25 trial, and voir dire issues, either party's preference as to what  
26 date(s) the trial should begin and any other pertinent information  
27 that either party may deem useful to assist the Court in the  
28

1 execution of the pretrial conference and in setting the matter for  
2 trial.

3 9. The final pretrial conference shall be held before the  
4 Honorable Thomas J. Whelan, United States District Judge, on June  
5 22, 2009, at 10:30 a.m.

6 10. The dates and times set forth herein will not be modified  
7 except for good cause shown.

8 11. Plaintiff's(s') counsel shall serve a copy of this order  
9 on all parties that enter this case hereafter.

10  
11 Dated: April 28, 2008

  
RUBEN B. BROOKS  
United States Magistrate Judge

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13 cc: All Parties of Record  
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**CASE RESOLUTION GUIDELINES**

**Attendance**

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

**Case Resolution Conference Briefs**

Written statements, when specifically requested, shall be lodged in the chambers of Judge Brooks no later than five court days before the scheduled conference. The statements will not become part of the court file. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail or in person.

Any statement submitted should avoid arguing the case. Instead the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.